



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: )

Applicant : Lydie Bougueleret )

Appl. No. : 10/071,179 )

Filed : February 7, 2002 )

Title : A NUCLEIC ACID ENCODING A )  
RETINOBLASTOMA BINDING PROTEIN )  
(RBP-7) AND POLYMORPHIC MARKERS )  
ASSOCIATED WITH SAID NUCLEIC ACID )

Grp./A.U. : Unknown

Examiner : Unassigned

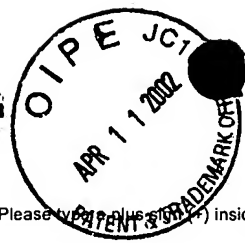
Assistant Commissioner of Patents  
Box: Missing Parts  
Washington, D.C. 20231

**RESPONSE TO THE NOTICE OF INCOMPLETE  
NONPROVISIONAL APPLICATION**

Sir:

In response to the Notice Of Incomplete Nonprovisional Application dated March 15,  
2002, enclosed please find the following documents:

	<u>Document</u>	<u>Quantity</u>
1)	Copy of the Notice Of Incomplete Nonprovisional Application	1 page
2)	A copy of the front and back of the Return Receipt Postcard mailed with the original filing of this application	2 pages
3)	A copy of our Letter mailed to the PTO on February 11, 2002 transmitting a copy of the Specification	2 page
4)	A copy of our Return Receipt Postcard mailed with the above-identified Letter, showing receipt of the Specification by the OIPE on March 19, 2002	1 page
5)	A copy of the Declaration and Power of Attorney filed in the parent application Serial No. 09/345,882, filed June 30, 1999 (allowed December 5, 2001) of which this application is a Divisional Application	1 page
6)	Return Receipt Postcard	



ECS

03CO #5

Please write or print name inside this box → ☐

Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	<b>Application Number</b>	10/071,179
	<b>Filing Date</b>	February 7, 2002
	<b>First Named Inventor</b>	Lydie Bougueleret
	<b>Group Art Unit</b>	Unknown
	<b>Examiner Name</b>	Unassigned
<b>Total Number of Pages in This Submission</b>		<b>Attorney Docket Number</b> 44.US4.DIV

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard
<b>Remarks</b>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Deno Dialynas, Ph.D. <span style="float: right;">Reg. No. 50,711</span>
Signature	
Date	3-28-02

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: <u>MARCH 28 2002</u>	
Typed or printed name	C. M. McClure
Signature	
Date	03/28/2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/071,179	02/07/2002	Lydie Bougueleret	44.US4.DIV

John Lucas, Ph.D., J.D.  
GENSET CORP.  
10665 Sorrento Valley Road  
San Diego, CA 92121-1609



CONFIRMATION NO. 2980

## FORMALITIES LETTER



\*OC000000007645486\*

Date Mailed: 03/15/2002

## NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below **and a newly executed oath or declaration covering the items must** be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)).

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition.

- The specification is missing.  
*A complete specification as prescribed by 35 U.S.C. 112 is required.*

The required items noted below SHOULD be filed along with any items required above. The filing date of this nonprovisional application will be the date of receipt of the items required above.

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*

*A copy of this notice **MUST** be returned with the reply.*

*M. Manual*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

10071179

00000121 501161

04/12/2002 HNDDR1

130.00 CH

01 FC:122

Docket No.: 44,054, DIV Patent Application.

The Patent and Trademark Office date stamp sets forth the date of receipt of:

Applicant: LYDIE BOUGUELERET  
Title: HYDROLYTIC POLYMERIZATION OF A RETINOBLASTOMA BINDING PROTEIN (HAP-7) & POLYMORPHIC MARKERS ASSOC. WITH SAID NUCLEIC ACIDS

☒ Transmittal Letter  
☒ Application: 98 Pgs./Spec. 1 Pgs./Abstract  
☒ 64 Pgs./Claims 2 Total Claims  
☒ Utility: Original / Div.  
☐ Provisional ☐ Design ☐ Plant  
☐ National Stage Filing in U.S.  
☒ Preliminary Amendment 3 Pgs (3 claims)  
☐ Check(s) \$ 440.00 (#3719)  
☒ Drawings 2 Sheets:  
☐ Formal ☐ Informal  
☐ Photographs ☐ B&W ☐ Color  
☐ Information Disclosure Statement  
☐ PTO 1449 Form - \_\_\_\_\_ pages  
☐ Prior Art References - No. of Ref. \_\_\_\_\_  
☒ Application Data Sheet - 3 pgs  
☒ Comb. Decl. & Power of Attorney (copy)  
☒ Signed ☐ Unsigned  
☐ Assignment ☐ Record Cvr. Sheet  
☒ Statement of Ownership Under 3.73(b)  
☐ Small Entity Statement  
☐ Priority Document - \_\_\_\_\_ pages  
☐ English Translation 126 Pgs  
☐ Sequence Listing ☐ CD-ROM/Diskette  
☐ Deposit Acct. Order Form (2 copies)  
☒ Other: SAS 5817, 5806  
Power of Atty or Atty of Agent  
SUB. A SEQ LIST & STATE UNDER 1.82  
US PATENT NO. 6,016,276

Att/Sec: 10/07/179 Matter Name: BOUGUERET Date: 2/7/2002  
Initials: 10/07/179



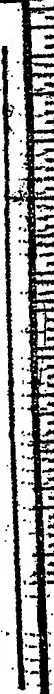
Attn.: Intellectual Property Dept.

GENSET Corp.

10665 Sorrento Valley Road

San Diego, CA 92121-1609

The PRO did not receive the following  
listed item(s) *Specification 105 pages*



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:	)	
	)	
Applicant : Lydie Bougueleret	)	
	)	Grp./A.U. : Unknown
Appl. No. : 10/071,179	)	
	)	Examiner : Unassigned
Filed : February 7, 2002	)	
	)	
Title : A NUCLEIC ACID ENCODING A	)	
RETINOBLASTOMA BINDING PROTEIN	)	
(RBP-7) AND POLYMORPHIC MARKERS	)	
ASSOCIATED WITH SAID NUCLEIC ACID	)	

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Honorable Commissioner of Patents  
Washington, D.C. 20231

**LETTER**

Sir:

Upon inspection of our return postcard received today (March 11, 2002) for patent application no. 10/071,179, we have become aware that the Specification for said application has become separated from the remainder of the materials originally sent.

We were advised by telephone conversation with Ms. Stokes in the Office of Initial Patent Examination that we should re-send said Specification as soon as possible. To that end, said Specification is included herewith, along with a copy of the returned postcard.

Please let us know if there is anything else we can do to expedite this matter.

Please charge any additional fees, or credit overpayment to Deposit Account No.

50-1181.

Respectfully submitted,

GENSET CORPORATION

Date: March 11, 2002

By: Deno P. Dialynas

Deno Dialynas, Ph.D.

Reg. No. 50,711

10665 Sorrento Valley Road  
San Diego, CA 92121-1609

Telephone: (868) 597-2634  
Facsimile: (858) 597-2600  
e-mail: deno.dialynas@genxy.com

Enclosures:

- 1) Photocopy of front and back of Return  
Receipt Postcard
- 2) Copy of Specification, Claims,  
Abstract (105 pages)

**Certificate of Mailing**

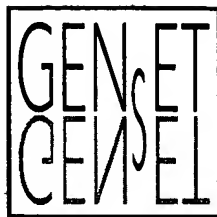
Date of Deposit: March 11, 2002

*I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, on the Date of Deposit shown above, postage prepaid and in an envelope addressed to the Assistant Commissioner for Patents, Box Non Fee Amendment, Washington, D.C. 20231.*

Deno P. Dialynas  
Signature

Deno P. Dialynas

Typed or Printed Name of Person Signing Certificate



G

E

N

S

E

T

Patent Amendment/Responses/etc.  
Docket No.: 44, USH, DIV

The Patent and Trademark Office date stamp sets forth the date of receipt of:

Applicant/Patentee: Lydie Bougueleret

No. (Appl./Appeal/Interference/Patent/Reexam): 10/071,179

Filing/Issue Date: Feb. 7, 2002

Title: Nucleic Acid Encoding ... (RBP-7) ... w/ SAID NUCLEIC ACID

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Transmittal Letter (2 pgs)                                     | <input type="checkbox"/> Comb. Declaration & Power of Attorney        |
| <input type="checkbox"/> Assignment <input type="checkbox"/> Recordation Cover Sheet(s)            | <input type="checkbox"/> Small Entity Statement                       |
| <input type="checkbox"/> Statement of Ownership  | <input type="checkbox"/> Petition for Extension of Time/ ___ month(s) |
| <input type="checkbox"/> Amendment/Response ___ pages  | <input type="checkbox"/> Status Inquiry                               |
| <input type="checkbox"/> Request for Continued Examination   | <input type="checkbox"/> Declaration                                  |
| <input type="checkbox"/> Maintenance Fee   | <input type="checkbox"/> Request for Certificate of Correction        |
| <input type="checkbox"/> Check \$ _____  | <input type="checkbox"/> Notice of Appeal                             |
| <input type="checkbox"/> Issue Fee <input type="checkbox"/> Request Patent Copies                  | <input type="checkbox"/> Appeal Brief (3 copies) ___ pages            |
| <input type="checkbox"/> Information Disclosure Statement  | <input type="checkbox"/> Reply Brief (3 copies) ___ pages             |
| <input type="checkbox"/> PTO 1449 Form - ___ pages   | <input type="checkbox"/> Deposit Account Order Form (2 copies)        |
| <input type="checkbox"/> Prior Art References - No. of Ref. ___                                    | <input type="checkbox"/> Other: <u>Photocopy of Spec./Clms</u>        |
| <input type="checkbox"/> Drawings ___ Sheets:  | <input type="checkbox"/> <u>Abstract (105 pgs) and</u>                |
| <input type="checkbox"/> Formal <input type="checkbox"/> Informal <input type="checkbox"/> Amended | <input type="checkbox"/> <u>front/back of return reqt. postcard</u>   |
|  | <input type="checkbox"/> Exp. M.I. Label# _____                       |

Atty/Sec.

Initials sc/wkm Matter Name RBP-7

Date 2/11/2002

